

**THIRD TAXING DISTRICT  
CITY OF NORWALK  
SPECIAL MEETING  
MARCH 21, 2003**

**ATTENDANCE:** David Brown, Chairman; Steve Feinstein; Paul Coggin (8:15 a.m.).

**STAFF:** George Leary; Ron Scofield.

**OTHERS:** Larry Dennin, District Counsel; Chris Hodgson, Labor Attorney; Greg Goldstein; Joe Chariott; Timothy Lyons

**CALL TO ORDER**

The Chairman called the meeting to order at 8:12 a.m. He stated that the meeting would go into Executive Session as required for each of the items on the agenda.

**discussion and approval of new truck purchase for the line foreman**

Mr. Leary stated that three bids had been received, and that the lowest bidder was Maritime. In addition to the bid, he stated that the damage imbursement from the insurance on the old truck was estimated at \$1,500. Mr. Leary stated that he would like to act quickly on this in part due to the \$2,000 rebate from GM which would expire March 31. He stated that there was a possibility of qualifying for another \$1,000 reduction if another city truck could be considered to be "owned", since it was also a GM truck.

It was asked why a new truck was necessary. Mr. Leary stated that the truck takes a beating during plowing, there were currently 61,000 miles on it, and it was 5 years old. He also noted that they were getting a good trade.

Mr. Coggins arrived at 8:15 a.m.

Mr. Leary stated that the trade-in value would decrease quickly after the five year mark, so this was the time to either trade in the truck or decide to put money into it and keep it running for as long as possible. The truck currently would provide \$10,000 to \$12,000 for a trade-in. Mr. Leary noted that the plow operator had difficulty attaching the plow.

**\*\* mr. coggin MOVED TO approve the purchase of the vehicle pursuant to the specs**

**by maritime motors.**

**\*\* the motion was SECONDED.**

**\*\* mOTION PASSED UNANIMOUSLY.**

**discussion and approval of applications for position of lineman**

It was stated that there were prospective employees for discussion.

**\*\* it was moved TO go into executive session.**

**\*\* the motion was SECONDED.**

**\*\* mOTION PASSED UNANIMOUSLY.**

The Commissioners went into Executive Session at 8:20 a.m. and reconvened into Public Session at 8:45 a.m.

**\*\* MR. coggin MOVED TO authorize george leary, general manager, to make a verbal offer to glen provaro for the position of lineman.**

**\*\* MR. Feinstein SECONDED THE MOTION.**

**\*\* mOTION PASSED UNANIMOUSLY.**

Mr. Coggin noted that Mr. Provaro was Mr. Leary's recommendation based on the interviews that were conducted. Mr. Coggin stated that once Mr. Leary moved forward on this matter, the written summary of the interviews conducted over the past week would become a part of the record, verifying that he had met with various applicants.

The Chairman announced a five minute recess.

**grievance from union**

It was asked whether the grievant, Mr. Lyons, wished the committee to go into Executive Session to discuss this item. Mr. Lyons requested the grievance be kept in open session. Mr. Chariott

presented for Mr. Lyons, stating that one employee had decided to get out of the union on his own. Mr. Chariott presented copies of a call schedule list to the committee members. There was a question as to whether this was applicable to the current grievance, and some discussion ensued.

Mr. Lyons objected to the non-union employee being included on the call list. Mr. Feinstein read the grievance aloud. Mr. Goldstein noted that it was in the contract that call employees would be union-held positions, and had always been that way. He stated that the union was now questioning why that should have changed.

Mr. Goldstein stated that there was a side letter where the safety issue was addressed, but there was not a side letter regarding adding a third person on call. He stated that there had never been a non-union member on call. It was stated that now the union was going beyond the contract by having a third person on call. Mr. Goldstein stated that there was a side letter that allowed for the office to be on the call list, because the linemen as primary or secondary responder were required to carry a phone and stop their work in order to answer phone calls. This side letter relieved the linemen's responsibility to carry the phone, and provided a third person to answer phone calls. It was clarified that the contract did not seem to specify that the on call people needed to be union. It was stated that there was only one person who was non-union, and that person never was put on the call list.

Mr. Feinstein read aloud from Section 1, Article 1 of the union contract which specified that all full-time employees of the Third Taxing District excluding the General Manager and any other positions excluded by law, and also Section 9, Article 4 which specified that two employees would be on call at all times. These two sections indicate that the on call person must be a union member. Managerial positions were excluded from the union by law.

There was discussion as to Mr. Scofield who was always put on the call list, and another employee who was never on the call list. Mr. Scofield would no longer be able to participate once he changed to a management position, even if it was his job during normal hours to answer the phone. Mr. Brown questioned whether there would be other grievances from Mr. Scofield's co-workers regarding phone and administrative duties. It was noted that it would not be possible to entertain future possibilities, and that the current grievance was all that could be addressed. It was reiterated that everyone needed to abide by contracts and agreements that were in existence.

Mr. Brown questioned what Mr. Lyons' financial loss would be if the current practice continued. It was stated that if the managerial person removed from the call list had any holidays, that holiday rate of pay would be gained. Mr. Scofield stated that he had been scheduled to be on call March 10 through March 16. Mr. Chariott added that the additional loss was the fifteen hours lost for Mr. Lyons by having Mr. Scofield on call. It was stated that it appeared that Mr. Lyons did not lose anything, but failed to gain financially. It was noted that another call list person was on disability, so the remaining call list members were already being put on call more frequently. Mr.

Scofield noted that any new hires in the line department would go on call. It was noted that there might be a six month delay for new hires, should it be determined that the six month probation period should be completed before entering the new hire on the call list.

Mr. Goldstein stated that the current understanding was that there were currently four people on the call list, and that would be reduced to three if Mr. Scofield were not allowed to continue. He stated that new hires would be put on the call list, bringing it back up to a normal five week rotation. Mr. Goldstein stated that it was the grievant's desire to keep the position a union position, as it had been previously, and to keep the separation between union and management positions.

It was stated that the committee had ten calendar days from the previous Friday to hear the grievance, and there would be an additional five days to make a finding on it. Mr. Coggin stated that a special meeting would need to be called in order to make a finding. It was suggested that the committee go into Executive Session to discuss the grievance now. The grievant and his representatives stated that this was agreeable.

**\*\* MR. feinstein moved TO go into executive session.**

**\*\* the motion was seconded.**

**\*\* mOTION PASSED UNANIMOUSLY.**

The Commissioners went into Executive Session at 9:27 a.m. and reconvened into Public Session at 9:35 a.m.

Mr. Scofield was asked to excuse himself so that the committee members could continue their discussion regarding the on call rotation.

**\*\* MR. feinstein moved TO go into executive session.**

**\*\* the motion was SECONDED.**

**\*\* mOTION PASSED UNANIMOUSLY.**

The Commissioners went into Executive Session at 9:36 a.m. and reconvened into Public Session at 9:45 a.m.

**\*\* MR. coggin moved TO sustain the grievance filed by timothy lyons dated march 10,**

**2003 and to make the union whole monetarily.**

**\*\* MR. feinstein SECONDED the motion.**

**\*\* mOTION PASSED UNANIMOUSLY.**

Mr. Coggins stated that the details would be provided in a letter to be delivered to Mr. Lyons within five days.

**adjournment**

**\*\* mr. feinstein moved to adjourn the meeting.**

**\*\* MR. coggin SECONDED the motion.**

**\*\* mOTION PASSED UNANIMOUSLY.**

As there was no further business to discuss, the Chairman adjourned the meeting at 10:50 a.m.

Respectfully submitted,

Jane Marin  
Telesco Secretarial Services